

## REMARKS

The Office Action dated December 27, 2007 has been carefully reviewed. Claims 1-4 and 6-9 are pending in this application. Claims 1-4 and 6-9 stand rejected in the 12/27/2007 Office Action. By this amendment, claims 1 and 6 are amended and claims 10-17 are added.

### 35 U.S.C. §102(b) REJECTIONS

Claims 1-4 and 6-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,066,160 to Colvin et al. (hereinafter "Colvin"). In support of this rejection, the Examiner argues that Colvin "discloses a first anchor (30) having a locking mechanism and a cannula (12 or 72), where element 12 or 72 is a small, tubular device with dual lumens." (12/27/2007 Office Action, Page 3, Paragraph No. 5).

### Discussion: Independent Claims 1 and 6 - Colvin

Independent claims 1 and 6 have been amended to recite "a first anchor . . . having a cannula defined therein, the cannula including a lumen" and wherein "the suture connects the first anchor to the second anchor by passing through the lumen of the cannula of the first anchor while traveling in a first direction, by passing through the hole of the second anchor, and by returning through the lumen of the cannula of the first anchor while traveling in a second and opposite direction." That is, the suture travels in the first and second directions through the same lumen of the same cannula of the first anchor. Colvin does not disclose or suggest such a feature.

Anticipation exists only if all the elements of the claimed invention are present in a product or process disclosed, expressly or inherently, in a single prior art reference. *Hazeltine Corp. v. RCA Corp.*, 468 U.S. 1228 (1984). As asserted by the Examiner, Colvin teaches a main member 12 (or 72) including two lumens (i.e., apertures 14(a) and 14(b) or apertures 74(a) and 74(b)). As noted by Colvin, the apertures 14(a) and 14(b) "cooperate as pairs, each member receiving one of the two ends of the suture being secured." (Colvin, col. 8, lines 38-40). Further, figure 4 of Colvin clearly shows suture 16 threaded through the first lumen 14(a) and then through the second lumen 14(b). In other words, the suture 16 of Colvin is threaded only once, and in only one direction, through each lumen 14(a) and 14(b). As such, Colvin teaches

the use of multiple lumens through which the suture 16 is threaded in a single direction. Colvin, however, fails to disclose or suggest threading a suture through a single lumen in opposite directions as recited in amended claims 1 and 6. Further, not only does Colvin fail to disclose or suggest the threading of a suture through a single lumen in multiple directions, such a configuration would simply not work with the device disclosed in Colvin.

Accordingly, Colvin does not disclose or suggest a suture which passes "through the lumen of the cannula of the first anchor while traveling in a first direction" and which passes "through the lumen of the cannula of the first anchor while traveling in a second and opposite direction." As such, Colvin fails to disclose a required element of these claims. Therefore, claims 1 and 6 are believed to be in condition for allowance.

#### Discussion: Claims 2-4 and 7-9

Claims 2-4 include claim 1 as a base claim and claims 7-9 include claim 6 as a base claim. For at least the reasons provided above in regard to amended claims 1 and 6, each of these claims are believed to be in condition for allowance. In light of the reasons for allowance of claims 1 and 6, any arguments specific to claims 2-4 and 7-9 are held in abeyance without prejudice or admission to any assertion made by the Examiner in order to expedite prosecution.

#### CONCLUSION

In view of the foregoing, claims 1-4 and 6-17 are believed to be in condition for allowance. Action to that end is hereby solicited. If there are any questions or comments that would speed prosecution of this application, the Examiner is invited to call the undersigned at (317) 261-7959.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response. The Commissioner is hereby authorized to charge the fee for such Petition and any shortage of fees,

and credit any overpayment of fees, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 265 26502-73682.

Respectfully submitted,

BARNES & THORNBURG LLP

A handwritten signature in dark ink, appearing to read 'Glen M. Kelleff', is written over a horizontal line.

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